

**RESOLUTION NO. 2008-38**  
**(Rezoning Ordinance as Public Record)**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA, ESTABLISHING AS A PUBLIC RECORD THE TERMS OF THAT CERTAIN ORDINANCE OF THE CITY OF SEDONA, ARIZONA, REZONING THOSE PROPERTIES DESCRIBED HEREIN FROM THE PRESENT ZONING DESIGNATIONS, TO WIT: L'AUBERGE DE SEDONA, 301 L'AUBERGE LANE AND CURRENTLY ZONED L (LODGING); ORCHARDS INN, 254 NORTH HIGHWAY 89A AND CURRENTLY ZONED C-1 (GENERAL COMMERCIAL); CANYON PORTAL, LOCATED AT 276, 280 AND 300 NORTH HIGHWAY 89A AND CURRENTLY ZONED PD (PLANNED DEVELOPMENT); AMARA RESORT, LOCATED AT 100 AMARA LANE AND CURRENTLY ZONED PD (PLANNED DEVELOPMENT); AND SINAGUA PLAZA LOCATED AT 320 NORTH HIGHWAY 89A AND 75 ARROYO ROBLE DRIVE AND CURRENTLY ZONED C-1 (GENERAL COMMERCIAL) TO THE NEW COMBINED ZONING CLASSIFICATION OF PLANNED DEVELOPMENT (PD), ESTABLISHING CONDITIONS OF SUCH REZONING; DIRECTING THE AMENDMENT OF THE ZONING MAP UPON COMPLETION OF ALL ZONING CONDITIONS SET FORTH HEREIN; PROVIDING THAT ALL ORDINANCES OR PARTS OF ORDINANCES OR ANY PART OF THE LAND DEVELOPMENT CODE IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE SHALL BE REPEALED UPON THE EFFECTIVE DATE OF THIS ORDINANCE.**

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA that the terms set forth below and the conditions of approval set forth in Exhibit A attached and referred to herein, constitute a public record to be incorporated by reference into Ordinance No. 2008-\_\_\_\_.

Section 1. Adoption by Reference

That certain property described as Coconino County Assessor's Parcel Numbers: 401-12-001B, 401-13-034B, 401-12-001A, 401-13-034D, 401-13-032A, 401-13-030A, 401-13-033, 401-13-037F, 401-13-034C, 401-13-036 and 401-13-037E is hereby converted from the present zoning designations, to wit: L'Auberge de Sedona, 301 L'Auberge Lane and currently zoned L (lodging); Orchards Inn, 254 North Highway 89A and currently zoned C-1 (General Commercial); Canyon Portal, located at 276, 280 and 300 North Highway 89A and currently zoned PD (Planned Development); Amara Resort, located at 100 Amara Lane, and currently zoned PD (Planned Development); and Sinagua Plaza located at 320 North Highway 89A and 75 Arroyo Roble Drive and currently zoned C-1 (General Commercial) to the new combined zoning classification of Planned Development (PD), upon completion of all zoning conditions set forth in Exhibit A.

Section 2. Zoning Map

The zoning map shall be amended to reflect this zoning change, and at least three (3) copies of the map shall be kept in the office of the City Clerk for public use and inspection.

Section 3. Repeal

All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

APPROVED AND ADOPTED by the Mayor and Council of the City of Sedona, Arizona this 9th day of December, 2008.

\_\_\_\_\_  
Rob Adams, Mayor

Attest:

Approved as to Form:

\_\_\_\_\_  
Cherry Lawson, City Clerk

\_\_\_\_\_  
City Attorney

Exhibit A

**CONDITIONS OF APPROVAL**

As approved by the Sedona City Council, December 9, 2008

**L'Auberge de Sedona Redevelopment, ZC2008-3**

1. Development of the subject property shall be in substantial conformance with the applicant's representations of the project, including the site plan, floor plans, elevations, the modified elevations of the hillside units as presented and discussed at the November 5, 2008 Planning and Zoning Commission public hearing, grading and drainage plans, letter of intent, development agreements and all other supporting documents submitted, as reviewed, modified, and approved by the Planning and Zoning Commission and City Council.
2. The Zone Change approval for L'Auberge de Sedona Redevelopment shall be valid for two years from the date final approval is granted by the City Council. Vesting of the PD (Planned Development) zoning designation shall be contingent upon the applicant obtaining a building permit for the first building and commencing construction within this two-year time frame, in accordance with Section 401.12A-1 of the City's Land Development Code, or the Commission's and Council's approval will become void.
3. Prior to City Council consideration of the zone change request the applicant shall satisfy the following:
  - a. A development agreement relating to the four affordable housing rental units shall be provided by the applicant and agreed upon by the applicant and City staff. The development agreement shall be consistent with the recommendations of the Housing Commission and applicable sections of the City's Housing Policy.
  - b. Delineate the easement for ingress/egress clarifying rights of access for road across property.
4. Prior to the issuance of grading and building permits, the applicant shall satisfy the following conditions and provide written documentation of such compliance to staff:
  - a. Since this property is within a quarter mile of a unique waterway, the Storm Water Pollution Prevention Plan (SWPPP) shall be sent to ADEQ for approval along with the NOI application. There is a 32 business day waiting period for ADEQ review prior to construction activity
  - b. Provide a maintenance schedule for all permanent BMP's.
  - c. Provide a copy of the geotechnical report.
  - d. Applicant shall provide a final grading and drainage plan, including a final drainage report for review and approval prior to building permit.
  - e. The applicant shall provide a Traffic Control Plan for review and approval.
  - f. Applicant shall provide a Storm Water Pollution Prevention Plan along with the completed NOI application for review and approval. BMP's shall be specified for oil/water separators, stormdrain system, and detention basin. SWPP measures shall be in place prior to the start of construction.

- g. Applicant shall provide a Dust Control plan for review. The plan shall provide, at a minimum:
    - A watering schedule for dust mitigation (or other method, i.e. palliatives)
    - A road-cleaning schedule, including a schedule for gutter and catch basin cleaning
    - All trucks hauling material into or out of the construction site shall be tarped
    - Track-out plan
  - h. Applicant shall provide a Haul Plan for review and approval.
  - i. Applicant shall provide a Neighbor Contact and Response Plan. The plan shall define site signage, which shall include a hotline number.
  - j. A detailed landscape plan shall be submitted for review and shall have received approval from the Director of Community Development. Said plan shall substantially reflect the intent of the preliminary landscape plan as approved by the Planning and Zoning Commission with the following modifications to the satisfaction of the Director of Community Development:
    - All existing shrubs and trees that will be displaced by the construction of the project shall be identified on the landscape plan. Those that are determined appropriate for transplanting shall be moved to an on-site nursery so that they can be transplanted back into the project site.
      - All of the trees and shrubs that will remain on the site shall be protected by a construction envelope fence during the construction of the buildings and parking areas.
  - k. A detailed lighting plan based on the requirements of the Outdoor Lighting ordinance shall be submitted by the applicant for the entire 10.1-acre site, and reviewed and approved by the Director of Community Development. All lights shall be fully shielded.
  - l. Drawings showing the placement and method of screening or painting of all mechanical equipment and placement and screening of all trash receptacles shall be submitted and reviewed and approved by the Director of Community Development.
  - m. The site plan, grading plan and landscape plans shall be carefully coordinated and any discrepancies resolved.
  - n. A Final Drainage Report shall be submitted to the Coconino County Flood Control District for review and approval.
  - o. A separate building permit is required for the pool. An ADEQ construction permit for the pool must be provided prior to issuance of the building permit.
  - p. The locations of all approved public art shall be identified on the site and landscape plans.
  - q. Certification that the finish floor of the building is a minimum of 12 inches above the regulatory base flood elevation shall be submitted.
  - r. A demolition permit shall be issued for the demolition of any existing structures.
5. Prior to the issuance of a Certificate of Occupancy for any of the project's buildings, staff shall verify that all construction is in substantial accordance with the plans as

submitted, reviewed, and approved by the Planning and Zoning Commission and meets the following conditions:

- a. All on-site improvements shall substantially conform to the plans on which grading and building permits were issued.
  - b. Installation of all proposed landscaping shall be complete and in accordance with the approved landscape plan.
  - c. All outside lighting shall have been installed in accordance with the approved plans and the Outdoor Lighting ordinance. Existing light fixtures shall be modified or changed if necessary so that they are in compliance with the Outdoor Lighting ordinance. All exterior lighting sources shall be fully shielded. Staff shall conduct a night inspection and if deemed necessary, additional shielding will be required.
  - d. All areas of cut and fill shall be landscaped or dressed in such a manner as to reduce the potential for erosion.
  - e. All new utility lines shall be provided through underground installation.
  - f. All mechanical equipment and trash receptacles shall be completely screened from surrounding areas by use of a wall, fence, landscaping or shall be enclosed within a building.
  - g. All requirements of the Sedona Fire District shall have been satisfied.
  - h. All buildings shall be connected to the City of Sedona wastewater collection system and all applicable capacity and connection fees shall have been paid.
  - i. Exterior paint samples shall be applied to large wall sections of the building for review and approval by the Director of Community Development.
  - j. An application for sign permits shall be filed for review and approval by the Director of Community Development for all signs proposed in the project. Sign lighting shall comply with the requirements of the Outdoor Lighting ordinance.
  - k. All approved public art as required by Article 18 of the Land Development Code shall be installed in accordance with the approved construction and landscape plans, unless an extension has been granted by the Arts and Culture Commission based on the requirements of Section 1804-F.
  - l. In the construction of ADA compliant pedestrian facilities, ADA grade tolerances should be met.
  - m. Applicant shall provide copies of all required testing to the Engineering Department.
  - n. As-Builts shall be provided in a format acceptable to the City Engineer.
  - o. Upon completion of the project the applicant shall provide a letter, sealed by the engineer of record, verifying that the work, as done, is in substantial accordance with the approved plans.
6. The four affordable housing units shall be constructed and Certificates of Occupancy issued prior to the issuance of a Certificates of Occupancy for the new lodging unit in the Creek House, the new lodging unit in the Artist's Cottage, and the new lodging unit replacing the garage on the Creek House.
  7. A Creekwalk easement and management and operations plan, as mutually agreed upon by the City and L'Auberge-Orchards, LLC, shall be recorded at a future date.
  8. Any restoration or improvement to the Owenby Ditch shall be approved by the Owenby Ditch Association and to the Association Standards. The applicant shall file an application for historic landmark designation for the Owenby Ditch within six

months of the issuance of a Certificate of Occupancy for the last lodging unit. The applicant shall maintain the ditch so that it stays open and free flowing. The water rights associated with the Owenby Ditch shall be used for landscape watering and water features to the greatest extent possible.

9. Hours of work, for grading operations, shall be limited to 7 a.m. to 6 p.m., Monday through Friday and 9 a.m. to 5 p.m. on Saturday. No work shall occur on Sunday.
10. Within thirty days of approval of the zone change, the property owner of record of the subject property voluntarily agrees to sign and record a waiver acknowledging their waiver of any right to claim just compensation for diminution in value under A.R.S. §12-1134 related to the granting of this Zoning Change approval.